

Report of Parliamentary Agent

FRED COOK, Ex-Mayor of Ottawa.

The influence of the Great War upon legislation is shown by an examination of the Dominion Statutes. For the five or six years previous to 1915 the average number of private bills enacted into law each Session was 130, of which fully one-third related to railway companies. For instance, in the session of 1913, private bill legislation totalled 152 acts, of which 11 were for the incorporation of railway companies, while 43 amended existing railway company acts.

The session of 1914 produced 128 private acts, 11 being for the incorporation of railway companies, and 45 to amend railway company acts.

In the first principal war session, 1915, the number of private bills enacted into law was 73, of which 4 incorporated railway companies, and 32 amended railway company acts.

Last session there were only 65 private bills enacted, the smallest in many years, of which 2 were railway company incorporations, while 20 extended the time for the construction of railways, or amended the original charters in some way. These figures will account for the comparative lightness of sessional work this year from the standpoint of the Union.

The two new charters respectively granted were Chapter 30, to incorporate the Edmonton and Southwestern Railway Company, and Chapter 31, to incorporate The Ontario, Niagara and Connecting Bridge Company. In accordance with the practice adopted by Parliament a few years ago, at the instance of the Union of Canadian Municipalities, the usual clauses for the protection of municipal rights were inserted in these measures.

These clauses were also embodied in a number of existing charters, to which amendments were sought, notably, The Pacific Northern and Omineca Railway Company, and The Quebec, Montreal and Southern Railway Company; as also in the bill to enable the Corporation of the City of Brantford to own and operate The Grand Valley Railway. It is significant that in the above measures, save one, the guarantee clauses were inserted by the promoters themselves.

The principal fight of the Parliamentary session from a municipal viewpoint centered around two charters controlled by the Canadian Northern Railway. These bills had reference to The Niagara, St. Catharines and Toronto Railway, and The Toronto, Niagara and Western Railway. In each case an extension of time was asked.

The Niagara, St. Catharines and Toronto Railway Company was incorporated in 1899, with \$1,000,000 capital. In 1902 the time of completion was extended three and five years for the Toronto and Fort Erie roads respectively. In 1905 the construction of the Toronto end was extended for three years. In 1906 the capital stock was increased to \$3,000,000, and a further extension granted. In 1908 a five-year extension was given, and in 1913 a two-year extension.

The Toronto, Niagara and Western Railway was originally known as the Toronto and Hamilton Railway, against which the city of Toronto put up a strong fight in 1903, when the Company was incorporated with a capital stock of \$500,000. The Company was given authority to conclude agreements with the Hamilton Radial Electric Co., the Hamilton, Grimsby and Beamsville, the Niagara, St. Catharines and Toronto Railway, the Toronto and Mimico Electric Railway and Light Company, the Metropolitan Railway Company and the Toronto Suburban Railway Co., for the purchase, lease or otherwise of the rights and powers acquired by these companies, and for the purchase of their franchises, etc. The rights of municipalities under agreements with any of these companies were preserved. The approval of any municipality was made necessary before the railways could be constructed over highways or streets.

In 1904 further legislation extended the time for the completion of the railway authorized in 1903, to two years to commence and five years to complete. In 1905 an act authorized construction along Burlington Beach under approval of the Dominion Railway Board.

In 1906 the name was changed to the Toronto, Niagara and Western Railway Co., and a line from Hamilton to Brantford, Woodstock, London and Chatham, was authorized. The company's capital was increased to \$6,000,000,

and it was authorized to enter into agreement with the C. P. R., the G. T. R., the Canada Southern, the Canadian Northern, the James Bay Railway Company, the Lake Erie and Detroit Railway, the Thorold and Lake Erie Railway, and the Pere Marquette Railway. In other words the two radials were authorized to link up with six electric lines and eight steam roads, a formidable combination for the municipalities. The time for construction was extended two years. In 1909 the time for construction was extended five years from the 7th April, 1909.

In 1914 the time was further extended to two years to commence and five years to complete.

These applications to Parliament for further time brought up the question of the prospective relations of the companies to the Hydro Radial movement of Ontario. Part of the great scheme which the Hydro Radial Union has mapped out involves the construction of electric railway and power lines in the territory which these two particular roads would serve. Obviously, there is not room, at any rate not for many years to come, for two rival electric roads to operate in the same section of Ontario.

It was urged by the Canadian Northern and its supporters that the charters of the two existing companies should be renewed, in order to permit of the Canadian Northern Railway System tapping United States railway lines at points along the Niagara frontier, through the medium of the proposed roads, the idea being to use them jointly for steam and electric purposes. Opinions differ as to whether an electric car or train can be safely operated over a steam railway, the Board of Railway Commissioners for Canada having denied to the Hydro authorities permission to run a power line along the right of way of the Grand Trunk Railway, on the ground that it would be dangerous. The same objection might apply in these later instances.

The opponents of the bills were not prepared to accept a suggestion that the municipalities should be joint users of these C. N. R. electric or steam roads, for the radial railways which the municipalities propose to build. What the opponents of the measures asked was their rejection, so that the territory in the Niagara Peninsula could be held for the construction of municipal radial lines within the next year or two.

The struggle in the Railway Committee of the Commons, and in the House itself, was a keen one, lasting some weeks. Several meetings of the Railway Committee were held, at which were present influential deputations from many of the principal cities and towns of Ontario, from Toronto westward, headed by the President of the Union, Mayor T. L. Church, of Toronto. It is curious that some important municipalities, which one would think have a vital interest in the success of the Hydro Radial scheme, failed to make their wishes known to their Parliamentary representatives, with the result that the latter, considering the federal interest—ownership of forty per cent of the common stock—in the Canadian Northern Railway System to outweigh the claims of the Hydro project, ranged themselves upon the side of the C. N. R. This partnership appeal as between the Dominion and the C. N. R., plus the strenuous lobby which was in operation, carried the day, and the two measures ultimately became law.

Before the bills emerged from the Railway Committee stage in the Commons, it was proposed by Sir Adam Beck, a former President of the U. C. M., that the final determination of routes should be referred to the Board of Railway Commissioners for Canada. Sir Adam sought to have inserted an additional proviso to the following effect: "But if the board deems that the construction of such railway upon the proposed location or upon any portion thereof is not in the public interest, it shall refuse approval of the whole, or of such portions."

By Section 157 of the Railway Act authority is vested in the Minister of Railways to deal in a general way with the location of railway lines. Under the statute as it now stands there is submitted to the minister a map of the proposed route, and it is his prerogative to locate it in a general direction. After he has done this the matter goes before the Board of Railway Commissioners, whose duty it is more definitely to locate the line, their powers, however, being limited to a change of the route that has been approved by the minister to the extent of one mile